

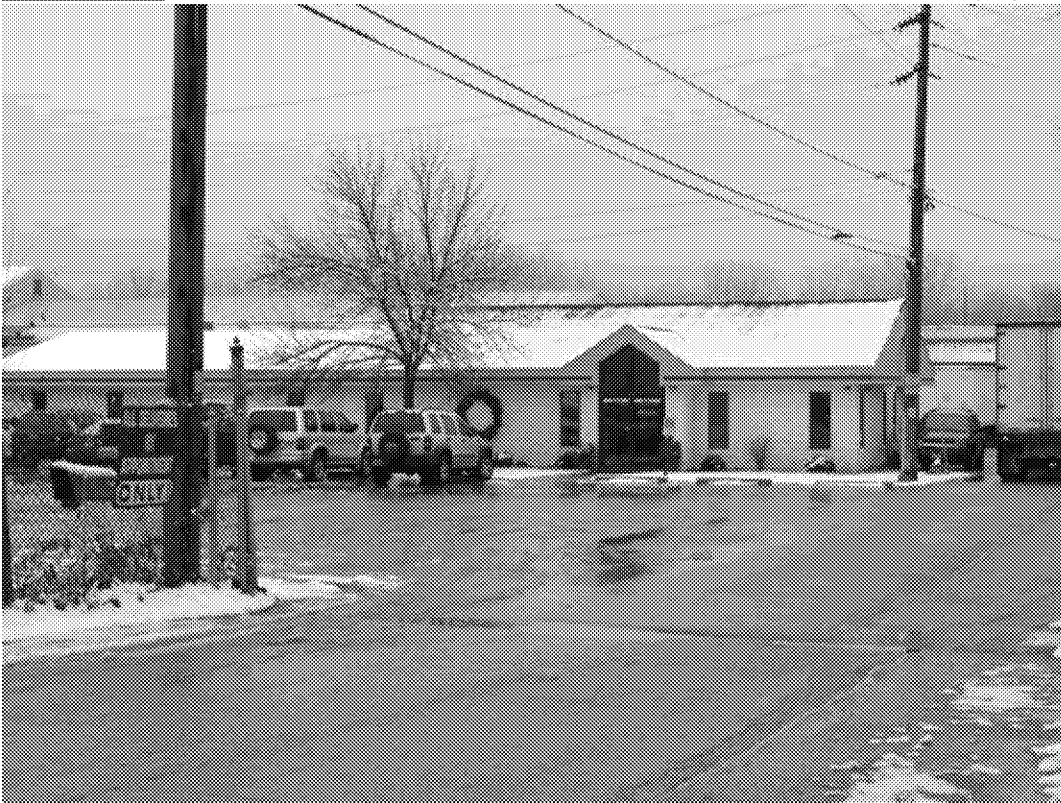
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Subject: Milwaukee Journal Sentinel: OSHA inspectors forced to wait two hours before getting into a chemical barrel plant

FYI.

<https://www.jsonline.com/story/news/investigations/2018/02/28/osha-inspectors-forced-wait-two-hours-before-getting-into-chemical-barrel-plant/374131002/>

OSHA inspectors forced to wait two hours before getting into a chemical barrel plant

[John Diedrich](#), Milwaukee Journal Sentinel Published 11:58 a.m. CT Feb. 28, 2018 | Updated 1:17 p.m. CT Feb. 28, 2018



OSHA found two workplace violations at Mid-America Steel Drum, 8570 S. Chicago Road, Oak Creek. The investigation remains open (Photo: Mike De Sisti / Milwaukee Journal Sentinel)

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Federal environmental inspectors were initially barred from entering a chain of chemical barrel refurbishing plants twice last year, being stopped even after they had a court order to enter immediately.

Officials got the court-issued warrant because they were concerned they were not seeing true operations, as required under federal law.

Newly released records show a federal workplace safety inspector also was barred from entering the Mid-America Steel Drum in Oak Creek. And when access finally was allowed, the inspector was not seeing true operations because some workers were on lunch break, records show.

In August, Mid-America officials initially would not let an Occupational Safety and Health Administration inspector into the plant to investigate reports of dangerous working conditions.

The inspector was forced to wait for the company's attorneys to drive from downtown Milwaukee to the plant, which refurbishes and recycles 55-gallon drums. It was about two hours before the inspector was able to walk around the plant, records show.

Federal inspectors from the U.S. Environmental Protection Agency and other agencies ran into a similar delay when they showed up at the Oak Creek plant and two others in the area earlier last year and were forced to wait for company lawyers.

Concerned that the company engaged in a coverup, federal prosecutors took the unusual step of going to a judge to authorize surprise simultaneous inspections of all three facilities — in Milwaukee, St. Francis and Oak Creek.

Subsequent inspections resulted in a slew of violations. Five agencies have uncovered more than 70 violations at the three plants.

Following the OSHA inspection of the Oak Creek plant, inspectors recorded two violations, for having sparks produced near a paint booth and worker respirator protection that was too loose. They resulted in a \$6,772 fine, which was reduced to \$4,740. The company has agreed to pay and fix the problems.

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A whistleblower who had worked in the plants said the company prepared for such inspections, instructing workers to limit operations or shut down entirely. During a hearing, U.S. Sen. Tammy Baldwin (D-Wis.) told Scott Mugno, the then-nominee to lead OSHA, she was worried about coverups in the plants.

A Milwaukee Journal Sentinel investigation last year uncovered dangerous working conditions and environmental problems at the plants and others in Arkansas, Tennessee and Indiana, all part of the chain. The facilities are operated by Container Life Cycle Management (CLCM), a joint venture majority owned by industrial packaging giant Greif Inc. The plants are known locally as Mid-America.

An OSHA spokesman said inspectors did not encounter problems with access to the Oak Creek operations and noted each facility is different.

“Where there are delays, inspectors have tools available to limit the potential for compromise. OSHA carefully evaluates each situation and, when appropriate, coordinates with state and fellow federal agencies to effectively identify and remediate a range of possible problems,” the spokesman said.

A Greif spokeswoman said the company allows regulators into facilities to observe normal operations "in a timely fashion" and denied barring inspectors access.

In separate inspections, OSHA found violations at the Milwaukee and St. Francis plants. Those are being disputed and records related to them have not been released. Inspectors found 16 violations and issued \$124,000 in fines.

Separately from those actions, the company has been assessed fines for failing to have storm-water permits at its three facilities, facing \$7,000 in fines assessed by the Department of Natural Resources. Forfeiture cases against CLCM were filed in Milwaukee County Circuit Court in early February.

The company has gotten the required permits and is in the process of paying the fine, the company spokeswoman said.

The fines are separate from a referral by DNR to the state Department of Justice for possible prosecution of air and hazardous waste violations, a DNR spokesman said. The DNR found 19 violations at the plants.

The EPA, which found 20 violations, continues to investigate and has asked the City of St. Francis to take air samples when residents report strong odors.

Air testing by the Journal Sentinel and separately by the EPA last year found that the smokestack emissions from the St. Francis plant were creating nuisance odors in the neighborhood and may be responsible for health ailments reported by residents, including scratchy throats and eyes, fatigue and headaches.

The St. Francis School District did its own testing on one day in December inside and outside of Willow Glen elementary school, which is about a half-mile south of the plant. The testing detected no potential exposures to the chemicals tested, according to a report.

In a letter to families, Superintendent Blake Peuse wrote that wind on the day of testing was out of a "northerly" direction. However, the district's report says the wind was out of the "west-northwest." Peuse did not immediately return a call to explain the discrepancy.

The scientist who did testing around the plant for the Journal Sentinel said there were shortcomings in the school district's air testing, most importantly that the wind was not directly out of the north on the day air was monitored.

Jacob Persky, of RHP Risk Management in Chicago, said longer-term testing done on days when the wind was blowing emissions toward the school and focusing on typical industrial pollutants would provide better measures of possible exposure.

"I believe such a sampling protocol would take into account what we already know about the air emissions and provide a more meaningful data set to assess impacts from the facility," Persky said.